

REMARKS

Status of the Claims

Claims 1, 3 and 6 are now present in this application. Claim 1 is independent.

Claims 2 and 4-5 have been canceled, claim 6 has been added, and claim 1 has been amended. The basis for supporting the average degree of polymerization defined in claim 1 can be found at pentadecaglycerol pentacaprylate used in the examples and paragraph [0014]. Further, the basis for supporting the amount of the oil agent defined in claim 3 can be found at paragraph [0034].

Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

Rejections under 35 U.S.C. §103

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,466,719 to Jakobson et al. (hereinafter referred to as Jakobson '719).

Further, claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP-2003-012456 (hereinafter referred to as JP '456).

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP-2001-025654 (hereinafter referred to as JP '654).

Finally, claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP-08099852 (hereinafter referred to as JP '852).

These rejections are respectfully traversed.

Jakobson '719

In Jakobson '719, the degree of polymerization for the polyglycerol in the polyglycerol fatty acid esters is 2 – 8. Thus, the degree of polymerization of 15 – 50 as required by the presently claimed invention is not taught by Jakobson '719.

The present invention provides a cleansing cosmetic comprising, among other things, a polyglycerol medium-chain fatty acid ester formed by esterification of a medium-chain fatty acid having 6 to 10 carbon atoms and a polyglycerol having an average degree of polymerization of from 15 to 50. As noted at paragraph [0011], in the present invention, a water-in-oil type (W/O) microemulsion, which can solubilize a large amount of water can be formed, and thereby, the cleansing cosmetic of the present invention is more likely to have affinity to makeup soil and the remover capability is not impaired even when the skin is wet, so that the cosmetic is also excellent in cleansing ability (see paragraphs [0011], [0055]).

Whereas, Jakobson '719 teaches a polyglycerol ester of medium-chain fatty acid, the polyglycerol having an average degree of polymerization of 2 - 8, which is quite different from that of the present invention, i.e., 15 - 50. Jakobson '719 fails to disclose cleansing cosmetics although bathing cosmetics are disclosed therein. If cleansing cosmetics are prepared by using polyglycerol having a low degree of polymerization as in Jakobson '719, due to inferior water-solubilizing ability, a microemulsion cannot be formed, or cannot be sufficiently formed.

In the cleansing cosmetic of the present invention, a water-in-oil type (W/O) microemulsion can be formed by solubilizing in a large amount of water. Accordingly, the cleansing cosmetic of the present invention has excellent cleansing ability when applied not only to non-wetted skin but also to wetted skin. Jakobson '719 fails to disclose or suggest that a cleansing cosmetic having this excellent capability can be obtained by using polyglycerol medium-chain fatty acid ester formed by a polyglycerol having an average degree of polymerization of from 15 to 50.

JP '456

In JP '456, the degree of polymerization for the polyglycerol is 3 - 10. Thus, the degree of polymerization of 15 - 50 in the present invention is not taught by JP '456. The present invention is thus distinct for the same reasons as discussed above with regards to Jakobson '719.

JP '456 discloses a washing agent for cleansing which forms an O/W emulsion quickly upon contacting water. As noted at paragraph [0003] in the present specification, in using cleansing oil, makeup soil is removed using the cleansing oil by first allowing the cleansing oil to have affinity with makeup soil, thereby migrating the soil into an oily component, thereafter contacting the oily component with water to thereby form an oil-in-water type (O/W) emulsion,

and directly washing off the emulsion with water. Hence, a conventional cleansing oil has problems that remover capability or feel of use is worsened in a state where the skin is wet, and thus, its use in a bathroom is especially unsuitable. In this regard, i.e., as O/W emulsion is quickly formed upon contacting water, JP '456 simply corresponds to a conventional cleansing oil.

Whereas, the cleansing cosmetic of the present invention, as described at paragraph [0011], water-in-oil type (W/O) microemulsion which can solubilize a large amount of water can be formed. Accordingly, the cleansing cosmetic of the present invention is more likely to have affinity to makeup soil and the remover capability is not impaired even when the skin is wet, so that the cosmetic is also excellent in cleansing ability.

As noted above, JP '456 is quite opposite to the present invention and rather teaches away the present invention.

JP '654

In JP '654, the degree of polymerization for the polyglycerol is 4 – 12. Thus, the degree of polymerization of 15 – 50 in the present invention is not taught by JP '654.

JP '654 has the feature that desired effects are obtained in case of using sucrose fatty acid diester as a surfactant assistant for preparing microemulsion by using polyglycerol fatty acid ester of a nonionic surfactant.

Whereas, in the present invention, desired effects are obtained by using a specified polyglycerol medium-chain fatty acid ester as a co-surfactant in addition to a nonionic surfactant. It is similar between the present invention and JP '654 in that in addition to a nonionic surfactant, a surfactant assistant or a co-surfactant is used. However, there is no rationale to use a specified polyglycerol medium-chain fatty acid ester as a co-surfactant as in the present invention based on JP '654 where sucrose fatty acid diester is used as a surfactant assistant.

JP '852

In JP '852, the degree of polymerization for the polyglycerol is 2 – 10. Thus, the degree of polymerization of 15 – 50 in the present invention is not taught by JP '852. Further, the

reference fails to disclose cleansing cosmetics. This reference is thus distinct for the same reasons as already discussed above.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.


In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Registration No. 42874 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By 

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